

Calendar No. 318

103D CONGRESS
1ST SESSION

S. 282

[Report No. 103-193]

A BILL

To provide Federal recognition of the Mowa Band
of Choctaw Indians of Alabama.

NOVEMBER 19 (legislative day, NOVEMBER 2), 1993
Reported without amendment

IN THE SENATE OF THE UNITED STATES

Mr. SHELBY (for himself, Mr. INOUE, and Mr. HEFLIN) introduced the following bill; which was read twice and referred to the Select Committee on Indian Affairs

Reported by Mr. INOUE, without amendment

A BILL

To provide Federal recognition of the Mowa Band of
Choctaw Indians of Alabama.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

SECTION 1. This Act may be cited as the “Mowa
Band of Choctaw Indians Recognition Act”.

1 FEDERAL RECOGNITION

2 SEC. 2. Federal recognition is hereby extended to the
3 Mowa Band of Choctaw Indians of Alabama. All Federal
4 laws of general application to Indians and Indian tribes
5 shall apply with respect to the Mowa Band of Choctaw
6 Indians of Alabama.

7 RESTORATION OF RIGHTS

8 SEC. 3. (a) All rights and privileges of the Mowa
9 Band of Choctaw Indians which may have been abrogated
10 or diminished before the date of enactment of this Act by
11 reason of any provision of Federal law that terminated
12 Federal recognition of the Mowa Band of Choctaw Indians
13 of Alabama are hereby restored and such Federal law shall
14 no longer apply with respect to the Band or the members
15 of the Band.

16 (b) Under the treaties entered into by the ancestors
17 of the Mowa Band of Choctaws, all historical tribal lands
18 were ceded to the United States. Congress does hereby ap-
19 prove and ratify such cession effective as of the date of
20 the said cession and said cession shall be regarded as an
21 extinguishment of all interest of the Mowa Band of Choc-
22 taws, if any, in said lands as of the date of the cession.
23 By virtue of the approval and ratification of the cession
24 of said lands, all claims against the United States, any
25 State or subdivision thereof, or any other person or entity,
26 by the Mowa Band of Choctaws, including but not limited

1 to, claims for trespass damages or claims for use and occu-
2 pancy, arising subsequent to the cession and that are
3 based upon any interest in or right involving such land,
4 shall be regarded as extinguished as of the date of the
5 cession.

6 (c) The Mowa Band of Choctaws has no historical
7 land claim and cannot, and shall not utilize its Federal
8 recognition as provided by this Act to assert any historical
9 land claim. As used herein, “historical land claim” means
10 a claim to land based upon a contention that the Mowa
11 Band of Choctaws, or its ancestors, were the native inhab-
12 itants of such land or based upon the Mowa Band of Choc-
13 taws’ status as native Americans or based upon the Mowa
14 Band of Choctaws’ Federal recognition as provided by this
15 Act.

16 (d) Except as otherwise specifically provided in sec-
17 tion 4 or any other provision of this Act, nothing in this
18 Act may be construed as altering or affecting—

19 (1) any rights or obligations with respect to
20 property,

21 (2) any rights or obligations under any con-
22 tract, or

23 (3) any obligation to pay a tax levied before the
24 date of enactment of this Act.

LANDS

1

2 SEC. 4. (a) All legal rights, title, and interests in
3 lands that are held by the Mowa Band of Choctaw Indians
4 of Alabama on the date of enactment of this Act are here-
5 by transferred to the United States in trust for the use
6 and benefit of the Mowa Band of Choctaw Indians of
7 Alabama.

8 (b)(1) Notwithstanding any other provision of law,
9 the Mowa Band of Choctaw Indians of Alabama shall
10 transfer to the Secretary of the Interior, and the Secretary
11 of the Interior shall accept on behalf of the United States,
12 any interest in lands acquired by such Band after the date
13 of enactment of this Act. Such lands shall be held by the
14 United States in trust for the benefit of the Mowa Band
15 of Choctaw Indians of Alabama.

16 (2) Notwithstanding any other provision of law, the
17 Attorney General of the United States shall approve any
18 deed or other instrument used to make a conveyance
19 under paragraph (1).

20 (c) Any lands held in trust by the United States for
21 the benefit of the Mowa Band of Choctaw Indians of Ala-
22 bama by reason of this section shall constitute the reserva-
23 tion of such Band.

24 (d) The Congress finds that the provisions of this sec-
25 tion are enacted at the request of the Mowa Band of Choc-

SEC. 5. The Mowa Band of Choctaw Indians of Alabama, and the members of such Band, shall be eligible for all services and benefits that are provided by the Federal Government to Indians because of their status as federally recognized Indians and, notwithstanding any other provision of law, such services and benefits shall be provided after the date of enactment of this Act to the Band, and to the members of the Band, without regard to the existence of a reservation for the Band or the location of the residence of any member of the Band on or near any Indian reservation.

SEC. 6. (a) The Mowa Band of Choctaw Indians of Alabama may organize for its common welfare and adopt a constitution and bylaws in accordance with regulations prescribed by the Secretary of the Interior. The Secretary of the Interior shall offer to assist the Band in drafting a constitution and bylaws for the Band.

(b) Any constitution, bylaws, or amendments to the constitution or bylaws that are adopted by the Mowa Band of Choctaw Indians of Alabama shall take effect only after such constitution, bylaws, or amendments are filed with the Secretary of the Interior.

MEMBERSHIP

1
2 SEC. 7. (a) Until a constitution for the Mowa Band
3 of Choctaw Indians of Alabama is adopted, the member-
4 ship of the Band shall consist of every individual who—

5 (1) is named in the tribal membership roll that
6 is in effect on the date of enactment of this Act, or
7 (2) is a descendant of any individual described
8 in paragraph (1).

9 (b) After the adoption of a constitution by the Mowa
10 Band of Choctaw Indians of Alabama, the membership of
11 the Band shall be determined in accordance with the terms
12 of such constitution or any bylaws adopted under such
13 constitution.

REGULATIONS

14
15 SEC. 8. The Secretary of the Interior shall prescribe
16 such regulations as may be necessary to carry out the pur-
17 poses of this Act.